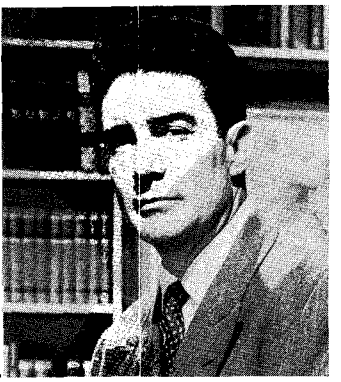
THE
Dan Smoot Report

Vol. 9, No. 30 (Broadcast 415) July 29, 1963 Dallas, Texas



DAN SMOOT

CONFISCATING THE LAND

"The establishment of an American Soviet government . . . . will involve the early confiscation of the large landed estates in town and country . . . and also the whole body of forests, mineral deposits, lakes, rivers, etc."[1] — William Z. Foster, former head of the American communist party

When American Independence was declared, several of the original 13 states claimed jurisdiction over unsettled western lands, and many of the claims overlapped. This potential breeder of war and disunion was eliminated when the states ceded their claimed western territories to the federal government. The federal government, in turn, was pledged to use the ceded territories for the good of all the states and (in due time and under proper conditions) to admit western territories as states of the union having equal rights and privileges with the original states.

In 1781, New York was the first state to cede its western territories. Other states followed, and soon our young federal government gained title to more than 236 million acres, which were placed within its "public domain," an area which included almost all of the unsettled wilderness north of the Ohio and east of the Mississippi Rivers.

In 1785, the Continental Congress passed a land ordinance making survey and sale of these public lands to individuals a legitimate activity of the federal government in raising funds for the national treasury — a major source of income for the new republic.

On July 13, 1787, the Continental Congress passed the Northwest Territory Ordinance, establishing federal territorial government over these lands, prohibiting slavery, proclaiming religious freedom, and providing that, once a given territory acquired a population of 60,000, it could be organized as a state and admitted to the union. In 1802, Ohio, the first public land State, was admitted.

THE DAN SMOOT REPORT, a magazine published every week by The Dan Smoot Report, Inc., mailing address P. O. Box 9538, Lakewood Station, Dallas, Texas 75214; Telephone TAylor 1-2303 (office address 6441 Gaston Avenue). Subscription rates: $10.00 a year, $6.00 for 6 months, $18.00 for two years. For first class mail $12.50 a year; by airmail (including APO and FPO) $14.50 a year. Reprints of specific issues: 1 copy for 25¢; 6 for $1.00; 50 for $5.50; 100 for $10.00 — each price for bulk mailing to one person. Add 2% sales tax on all orders originating in Texas for Texas delivery.

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A Slow, Subtle Reversal of Policy

The ceding of lands by the original states in the union; the Louisiana Purchase from Napoleon in 1803; and, in subsequent years, purchase agreements and treaties with England, Spain, Mexico, Texas, Russia, and Hawaii, brought into the "public domain" of the United States a vast empire of more than one and a half billion acres of land.

It was not intended that the United States Government would retain *ownership* of these lands but would, rather, administer them until they could be disposed of to individuals and to the new state governments being organized as people acquired the land and settled it.

Originally, land in the public domain was disposed of by *sale,* to provide revenue for the federal government. Beginning in the 1830's, however, the federal government began to *give away* the public lands, to serve various economic and social purposes. Special grants of land from the public domain were made for schools, seminaries, deaf-mute asylums, charitable institutions, wagon road construction, canal digging, levee building, swamp draining. Between 1850 and 1870, nearly 95 million acres of public lands were given to some 70 railroad systems. Between 1862 and 1957, nearly 248 million acres of public lands were given to individuals who settled the West under terms of the Homestead Act.

Another change in the administration of public lands became apparent in the late 1920's and early 1930's. Instead of *disposing* of the public land, so that it could be developed by private individuals under the political authority of state and local governments, the federal bureaucracy began *holding* on to the vast public domain, converting it into a mammoth land-management system, administered and policed from Washington.

Great tracts of public land were withdrawn and dedicated as national parks, national forests, national monuments, and wild-life sanctuaries. Land not thus withdrawn was retained under government ownership, its use subject to tight federal controls. The Taylor Grazing Act of 1934, for example (ostensibly intended to regulate the use of undeveloped public land for the grazing of livestock) gave the Secretary of the Interior authority to supervise virtually all activity throughout a gigantic portion of the public domain — even authorizing the Secretary to acquire by lease, and to supervise, privately owned and state-owned grazing lands adjacent to federal grazing districts.

In 1946, the Department of the Interior was reorganized. The General Land Office and the new Grazing Service were combined into the Bureau of Land Management. This marked the beginning of a new policy. The original policy was to *dispose* of the public lands in an orderly and sensible way, to private purchasers and to state and local governments for public use. In the 1920's, the bureaucracy began holding, rather than disposing of, the public lands. Since the 1940's, the policy has been to *accumulate* and hoard land in the public domain, building a vast and ever-growing empire, administered by the Washington bureaucracy.

Today, the 3642 employees of the Bureau of Land Management administer, under government ownership, 477 million acres, while other hundreds of millions of acres are owned and controlled by other federal agencies. In all, the federal government owns and controls a domain of almost a billion acres. This is more than the combined land area of England, Ireland, Scotland, Wales, Portugal, Spain, France, Belgium, Holland, Luxembourg, Switzerland, Germany, Iceland, Denmark, Poland, Austria, Czechoslovakia, Hungary, Italy, Monaco, Albania, Greece, Yugoslavia, Rumania, and Bulgaria.

Parks and Wild Life

Typical land grab operations of the federal bureaucracy can be illustrated by a few recent cases.

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SPLUNGE BIRD REFUGE — During February, 1962, the Interior Department, through its bureau of sport fisheries and wildlife, by secret negotiations with an Indiana congressional delegation, attempted to seize 10,000 acres of property near Terre Haute, Indiana, for a federal bird refuge. This would have forced 86 farm families to move, and vacate some of Indiana's richest farm land. Landowners organized and resisted, arguing that there was no necessity for the refuge; that its establishment would cause a loss of 1 million dollars a year in agricultural production, together with a loss of significant trade and local tax revenues dependent upon the agricultural production — and that the wild birds, attracted to Splunge from other available and adequate places of refuge, would be a danger to jet aircraft using Hulman Air National Guard and civilian airports, 10 miles from the planned refuge.

Government officials said:

"We need some place for the birds to get together with the people."[2]

PADRE ISLAND — Padre Island is a sandy spit of land, 117 miles long, 3 miles wide, in the Gulf of Mexico, just off the coast of Texas at Corpus Christi. Portions of it, under private development, have yielded 12 million dollars in oil and gas tax revenue, for Texas public schools. The commercial mineral potential of the island is estimated at 1 billion dollars.[3]

On September 28, 1962, President Kennedy signed Public Law 87-712, to establish an 81-mile long National Park on Padre. The Secretary of the Interior was authorized to pay out 5 million dollars for private lands that must be seized for the park. Land that was producing tax revenue for state and local governments, will now consume tax money from the federal treasury — and swell the dominions of public lands controlled and administered by the federal bureaucracy.

SLEEPING BEAR — In 1959, residents of Leelanau and Benzie counties, Northwest Michigan, learned, through a U. S. Department of the Interior publication, that 30,000 acres of their land (bordering upper Lake Michigan) had been cited as "of possible national significance."[4]

On January 4, 1961, U. S. Representative John D. Dingell (Democrat, Michigan) introduced a Bill calling for federal government seizure of an area "not to exceed 26,000 acres" to create a "Sleeping Bear Dunes National Recreation Area." On June 27, 1961, Senators Philip A. Hart and Pat McNamara (Democrats, Michigan) introduced a Bill (reintroduced in the present Congress on February 14, 1963, as S 792) which would take at least 77,000 acres of state and privately owned land for the proposed park. A short time after the Hart-McNamara Bill was proposed, Secretary of the Interior, Stewart Udall, said he wants 92,000 acres.[5]

A local citizens committee analyzes the Sleeping Bear proposal as follows:

"The Hart-McNamara bill provides that persons may continue to reside within the 77,000 acre tract after it becomes a national recreation area — if they do not violate any of the zoning by-laws. If a zoning regulation is violated, the Secretary of the Interior would have power to seize the property of the offender through condemnation.

"While the National Park Service refers to the proposed by-laws as 'zoning standards,' a nationally recognized authority on zoning refers to them as 'deed restrictions,' pointing out that they go far beyond accepted standards of zoning.

"The proposed restrictions would:

"(a) Allow present businesses to continue only by permit.

"(b) Forbid many homeowners to move, repair, alter, and in some cases even change the color of, any buildings, without federal permission. They also could not remove trees, topsoil, sand or gravel, or take off stones more than 18 inches in diameter without first securing a 'certificate of appropriateness' from the National Park Service.

"(c) Prohibit farmers from clearing any more land without federal approval and keep them from raising pigs, cattle or chickens.

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"Who would approve zoning restrictions? The Secretary of the Interior.

"Who would decide if a restriction had been violated? The Secretary of the Interior.

"Who would therefore decide that the offender's property could be condemned for public use? The Secretary of the Interior.

"Who would set the fair market value of this property to be seized? The Secretary of the Interior.

"Isn't this too much power for any federally-appointed official?"[4]

There are already in Michigan five national forests containing over 2,543,000 acres — an area larger than Yellowstone National Park. More than half of the total land area in Michigan's 36 northern counties is in state and federal ownership. Michigan boasts enough state and federal forests (6,305,464 acres) for every family in the United States to camp within their limits at one time. There are 473 lakes covering 46,241 acres with 308 miles of publicly-owned shoreline within this area. There are 67 state parks, 23 state forests, 61 state game areas and 785 public fishing sites.

Ninety percent of the local citizens are opposed to the Sleeping Bear scheme. If the park is created, more than 75 percent of local school tax revenues will be lost; but that is, really, one of the least objectionable aspects of the scheme. The sinister aspect, important to all Americans, is indicated by comments of United States Senator Milward Simpson (Republican, Wyoming). Senator Simpson (formerly, Governor of Wyoming) was on hand to witness, a few years ago, creation of the Grand Teton National Park in Wyoming. Commenting on the Sleeping Bear scheme, Senator Simpson said:

"They built a Coney Island in the world's most beautiful country . . . . They'll do it here. The power-hungry bureaucrats in this department have no great love for Mother Nature. They want only one thing: more and more property — *your property and mine* — and they don't care how they get it."[5]

Lust for power and empire building does, indeed, appear to be the primary motive of bureaucrats whose appetite for land is insatiable. Commenting on local fears in Michigan about federal controls over private land in national parks, Conrad Wirth, head of the National Park Services, said:

"Our policy is eventually to eliminate all inholdings."[5]

Inholdings is bureaucratese meaning lands privately owned inside a National Park. Mr. Wirth seems to be saying that citizens need not worry about federal controls over private property within national parks, because the private property will soon be gone. He put it more bluntly in an article in *The National Geographic,* saying:

"Another thing I'd like to see accomplished is the elimination of private ownership inside park boundaries."[4]

The National Wilderness Preservation System Act (the Wilderness Bill, approved by the Senate on April 9, 1963,[6] but still pending in the House) would magnify and accelerate the government's land-grabbing activities. The pending Wilderness Bill (S 4) would place 65.4 million acres of land in a Wilderness System, under tight control of presidential appointees who could permit or prohibit commercial activity; who could prohibit private capital from developing hydroelectric power facilities, but permit government-owned power facilities; who could permit or prohibit livestock grazing, road building, mining, and prospecting — all in accordance with the wishes of the President.

Military Land Grabs

Land-grabbing by the military services has also become a serious threat to the property rights of citizens. An article in the July, 1958, *Reader's*

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Digest presented a summary of the situation at that time — and the situation has grown worse since:

— In 1958, the military services already possessed 29 million acres of land, and were demanding 6 million acres more — although, at the time, the services were holding 6,500,000 acres which they admitted they no longer needed; and they were spending 21 million dollars a year to maintain installations which were no longer in use, or needed, but which covered a million acres of land. Air Force officials, admitting that 40 percent of their bombing and gunnery ranges were "in excess of current and long-range requirements," were still clamoring for more land.

— At one time, the Navy asked permission to share an Air Force bombing range (135 miles long and 50 miles wide) near Las Vegas, Nevada. The Air Force claimed the range was not big enough for both Navy and Air Force. A congressional committee asked for proof that the Air Force needed the bombing range all by itself. After investigation, Air Force officials concluded that they could let the Navy have two-thirds of the Las Vegas bombing range. But Navy officials declined, because they were, by then, busy trying to carve out a vast empire all their own in northern Nevada, where there were millions of dollars' worth of operating mining and ranching properties. Nevada citizens fought the Navy land grab for three years, finally effecting a compromise: the Navy got only 700,000 acres of northern Nevada for a bombing range it did not need.

— In New Mexico, where the military services already held a missile range 100 miles long and 30 miles wide (3 million acres), the Army took over an additional tract of 470,000 acres, which contained some of the lushest grazing land in the state. In 1957, the Army decided that 21 ranching properties, adjacent to the 470,000 acres which the Army already had, were also needed. The Army offered the ranchers what Army officials thought the ranchers ought to have, and ordered them to close their businesses, abandon their homes, and get out within 90 days.

— In 1956, the Navy seized 4337 acres of cultivated farm land near New Iberia, Louisiana, and let construction contracts totaling nearly 30 million dollars to build facilities on the confiscated farm land for the training of jet pilots — although there was already in existence, just a few miles away, an unused Navy air base. In 1957, the Navy decided that the new jet base was almost useless unless it was supplemented with a target practice area. Without even consulting Louisiana officials, the Navy mapped out, for a target practice site, an area 40 miles long and 20 miles wide, along the Gulf of Mexico. Seizure of this tract of land would have eliminated three wild-life sanctuaries, eight oil and gas fields, seven communities, three valuable fishing grounds, thousands of acres of rice and trapping lands, miles of new trunk highways — and would have necessitated relocating and re-digging the Intra-Coastal Canal. But the seizure never occurred. A few minutes before the beginning of hearings to establish necessary airspace restrictions, the Navy announced that it was abandoning the jet training program at New Iberia, Louisiana, because the program was unnecessary.

— In 1955, the Army decided to create a huge new missile training center about 80 miles southwest of Oklahoma City — in the heart of Oklahoma's farm belt and oil fields. More than 20,000 acres of private property were condemned and seized, Army officials assuring a House appropriations subcommittee that this much land would fulfill Army needs "for the foreseeable future." Within two years, however, the Army was demanding an additional 281,500 acres of private land.

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Improving Our Image

Empire building by civilian and military bureaucrats had nothing to do with President Kennedy's recent land grab in El Paso. Between 1864 and 1868, the Rio Grande River eroded soil from the Mexican south bank and formed an alluvial deposit on the United States side. Mexico claimed title to the deposit (known as El Chamizal) in the 1890's, but the controversy died in 1911.

El Chamizal eventually became a part of downtown El Paso. President Kennedy reopened the Chamizal question, made a new controversy of it, and negotiated a deal to give Mexico 437 acres to be taken away from El Paso — the city and citizens to be paid compensation (about 20 million dollars) from the United States Treasury.

This land grab (which, doubtless, violates the Treaty of Annexation between the Republic of Texas and the United States) was intended to ease tensions with Mexico, and improve our image abroad.

Mexican politicians were quick to offer us other opportunities to improve our image. On June 12, 1963 (before settlement of the Chamizal matter was formally announced), Mexican nationalists opened a drive for return to Mexico of nine United States islands off the California coast: Santa Catalina, Santa Cruz, San Miguel, Santa Rosa, San Clemente, Santa Barbara, San Nicolas, Anacapa, and Farallon. These islands (some of which are under the jurisdiction of the Navy) are currently valued at more than 30 billion dollars.[7]

Preserving The Wilderness

As Senator Milward Simpson said, the land hunger of federal bureaucrats does not arise from love of Mother Nature. The propaganda about preserving the magnificence of unspoiled nature for future generations is appealing, but false. When an area of natural beauty is set aside as a National Park and then made accessible to motorized millions, with handy water fountains, ready-made camping sites, and other modern conveniences installed, the place quickly loses much of the beauty and grandeur (and all of the soul-restoring solitude) of the wilderness — and often becomes, as Senator Simpson said, another Coney Island.

Parts of man-made Disneyland have more of the appearance of unspoiled beauty than some of the famous spots of natural grandeur which are trampled, buffeted, scratched and strewn by a floodtide of tourists who feel no obligation to take care of something that belongs to nobody, but is the property of everybody.

On the other hand, if you set aside wilderness areas that are accessible only to a favored few who can afford expensive safaris into them — what becomes of your argument that you are preserving these beauty spots "for the people"?

What *will* the government do with all the lands it is acquiring by purchase, pressure, and outright seizure? There is an inkling of an answer in a United Press International news story from Washington, published in the July 9, 1961, issue of *The Dallas Times Herald*:

"Secretary of the Interior Stewart L. Udall is concerned that federal lands may be blocking growth and industrialization of metropolitan areas.

"He has sent Congress proposed legislation which would, among other things, allow the Interior Department to lay out and subdivide federal lands in the path of expanding areas.

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"These lands would be made available for direct sale or lease as individual sites or lots . . . .

"In all cases, lands to be developed would be governed by a comprehensive land use plan to be worked out in close cooperation with state and local government agencies. Non-conforming and substandard land uses would not be permitted. Performance bonds might be required in some cases."

There are the language and the thinking of the zoners and planners of other people's lives. If the government can acquire the land and then permit it to be developed only within conformity to the taste and specifications of the Washington bureaucracy, we can have stark, monolithic ugliness, standardized by governmental planning on a national scale. What is more important: this could be a sly, backdoor approach to metropolitan government in the United States — a socialist plan to divide the nation into a score of metropolitan regions which sprawl across forgotten state boundary lines, and which would be governed by appointed experts answerable, not to local citizens, but to the supreme political power in Washington.[8]

What Should Be Done

Abolishing the federal income tax would stop most of the government's land-grabbing activities; but there is much that Congress could do, short of this. Congress should, first of all, refuse to pass the National Wilderness Preservation System Act (S 4, already approved by the Senate, but still pending in the House). The Congress should get a careful audit of all government land holdings to determine which lands are necessary for public use by civilian and military agencies of the federal government. The Bureau of Land Management should be abolished. In its place, should be something comparable to the old General Land Office, which was created in 1812, as a bureau of the Treasury Department.

Public land that is not absolutely necessary for legitimate use by federal agencies, should be sold, to private purchasers and to local and state governments, at prevailing land prices. This would provide needed revenue for the federal government, and it would permit more private ownership of land, thus contributing to a more stable society and a more vigorous economy.

WHO IS DAN SMOOT?

Born in Missouri, reared in Texas, Dan Smoot went to SMU in Dallas, getting BA and MA degrees in 1938 and 1940. In 1941, he joined the faculty at Harvard as a Teaching Fellow in English, doing graduate work for a doctorate in American Civilization.

In 1942, he left Harvard and joined the FBI. As an FBI Agent, he worked for three and a half years on communist investigations in the industrial Midwest; two years as an administrative assistant to J. Edgar Hoover on FBI headquarters staff in Washington; and almost four years on general FBI cases in various parts of the nation.

In 1951, Smoot resigned from the FBI and helped start Facts Forum. On Facts Forum radio and television programs, Smoot spoke to a national audience, giving *both* sides of controversial issues.

In July, 1955, he resigned and started his present independent publishing and broadcasting business — a free-enterprise operation financed entirely by profits from sales: sales of *The Dan Smoot Report,* a weekly magazine; and sales of a weekly news-analysis broadcast, to business firms, for use on radio and television as an advertising vehicle. The *Report* and the broadcast give only *one* side in presenting documented truth about important issues — the side that uses the American Constitution as a yardstick. The *Report* is available by subscription; and the broadcasts are available for commercial sponsorship, anywhere in the United States.

If you think Dan Smoot is providing effective tools for Americans fighting socialism and communism, you can help immensely — by helping him get more customers for his *Report* and broadcasts.

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Some of the most effective work in preservation of historical sites and scenes of natural beauty has been accomplished by private effort. It is hardly conceivable that governmental action would ever be necessary for such preservation; but, if it ever should be, the responsibility should rest with state and local governments.

There is no valid reason why bureaucrats in Washington should plan and control parks and other recreational areas for the people. There are many reasons why federal agencies should *not* have such power — the most important reason being that concentration of power in Washington is a prerequisite step toward destruction of our constitutional free-enterprise system.

FOOTNOTES

(1) *Toward Soviet America,* by William Z. Foster, Elgin Publications, 1961, pp. 276-8

(2) "Bird Refuge Plan Praised and Assailed," article by Frank Hughes, *The Chicago Tribune,* April 18, 1962

(3) "Sadler Calls Padre Plan 'Give-Away'," dispatch from Corpus Christi, *The Fort Worth Star-Telegram,* October 24, 1961

(4) "But the People Are Awake!" pamphlet by The Citizens' Council of the Sleeping Bear Dunes Area, January 15, 1962

(5) "Udall Plans Land-Grab in Michigan," article by William Schulz, *Human Events,* June 15, 1963, pp. 168-9

(6) For a listing of Senate roll call stands on passage of the Wilderness Bill, see this *Report,* "First Roll Calls, 1963," May 27, 1963.

(7) "9 Isles Off US Asked By Mexicans," UPI dispatch from Mexico City, *The Austin American,* June 13, 1963

(8) For an explanation and history of metropolitan government, see this *Report,* "Metropolitan Government—Part One," and "Metropolitan Government—Part Two," April 13 and 20, 1959; reprints still available.

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WHAT YOU CAN DO

Washington officialdom uses your taxes for programs that are creating vast cesspools of waste and corruption — and dragging our Republic into the quicksands of socialism. What can you do about it?

You can help educate and arouse the people who elect men responsible for harmful programs of government. When enough other Americans know and care as you do, political action to restore our Republic will come.

If *The Dan Smoot Report* was instrumental in bringing you to the point of asking what *you* can do about saving the country from mushrooming big government, here is a checklist for you: Have you urged others to subscribe to the *Report?* Have you sent them reprints of a particular issue of the *Report?* Have you shown them a Dan Smoot film? Have you ever suggested a Bound Volume of *The Dan Smoot Report* for use by speakers, debaters, students, writers? Have you read and passed on to others any of the Dan Smoot books — *The Invisible Government, The Hope Of The World, America's Promise?*

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